

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

COURTROOM PROCEEDINGS

The court met in its courtroom at 10:00 A.M. Present: Honorable Thomas A. Harris, Acting Presiding Justice; Honorable Betty L. Dawson, Associate Justice; Honorable Brad Hill, Associate Justice; and Leisa V. Biggers, Clerk/Administrator, by Shandra Santana, Deputy Clerk.

F052641 Sanchez v. The City of Los Banos

Cause called and argued by Richard A. Belardinelli, Esq., counsel for appellant Jose Sanchez and by Benjamin L. Ratliff, Esq., counsel for respondent City of Los Banos.

Cause ordered submitted.

The court reconvened in its courtroom at 1:30 P.M. Present: Honorable James A. Ardaiz, Presiding Justice; Honorable Thomas A. Harris, Associate Justice; Honorable Brad Hill, Associate Justice; and Leisa V. Biggers, Clerk/Administrator, by Jill Rivera, Deputy Clerk.

F052045 People v. Aguilar; Lopez

Cause called and argued by John J. Hardesty, Esq., counsel for appellant Manuel Lopez and by Eileen Kotler, Esq., counsel for appellant Juan R. Aguilar. Harry Colombo, Deputy Attorney General, counsel for respondent The People waived oral argument.

Cause ordered submitted.

Court recessed until Wednesday, April 9, 2008 at 10:00 A.M.

F053347 People v. Martinez

Filed modification of opinion (no change in judgment). Harris, Acting P.J.

We concur: Levy, J.; Kane, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F052376 People v. Baker

Cause submitted.

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F052376 People v. Baker

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F054433 Melissa M. v. The Superior Court of Fresno County; Fresno County Dept. of
Children and Family Services**

The petition for extraordinary writ is denied. This opinion is final
forthwith as to this court.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F052604 People v. Navarro

Oral argument having been waived in the above-entitled case in
accordance with the provisions of a notice mailed to counsel, the
calendar date heretofore set is vacated and the case is submitted for
decision.

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F052604 People v. Navarro

The appeal is dismissed. The matter is remanded with directions to issue, and to send to every appropriate person a certified copy of, an amended abstract of judgment (1) substituting as authority for the ten-year criminal street gang enhancement a reference to section 186.22, subdivision (b)(1)(C) for the reference to section 186.22, subdivision (b)(4) and (2) substituting as authority for the four-year personal firearm use enhancement a reference to section 12022.5, subdivision (a)(1) for the reference to section 12022.53, subdivision (c). [Citation] Navarro has no right to be present at those proceedings. [Citation].
Gomes, J.

We concur: Vartabedian, Acting P.J.; Cornell, J.

[CERTIFIED FOR PUBLICATION]

F050279 Brawley v. J.C. Interiors, Inc.

F051448 Brawley, as Trustee, etc. v. J.C. Interiors, Inc.

The judgment awarding Brawley \$19,800 is reversed. The matter is remanded to the superior court with directions to enter a judgment awarding Brawley nothing and awarding J.C. Interiors, Inc. nothing. The trial court may also reconsider whether it wishes to make an award of costs to one of the parties. Both sides to bear their own costs on appeal. Ardaiz, P.J.

We concur: Vartabedian, J.; Levy, J.

[CERTIFIED FOR PARTIAL PUBLICATION]

F053361 People v. Cruz

The above-entitled case is submitted for decision.

F053361 People v. Cruz

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F052534 People v. Daughtrey

The above-entitled case is submitted for decision.

IN THE
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F052534 People v. Daughtrey

The judgment is modified to strike the 103 days of presentence custody credit the court awarded Daughtrey. The trial court is directed to prepare an amended abstract of judgment consistent with this opinion and to forward a certified copy to the Department of Corrections and Rehabilitation. As modified, the judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F052939 People v. Coleman

The judgment is affirmed. The trial court shall prepare, if it has not already done so, an amended abstract of judgment in accordance with its minute order dated August 13, 2007, showing 721 days of presentence in-custody credit for the period between the first and second sentencing hearings, making a total of 829 days' credit. The court shall file the amended abstract and forward it to the appropriate prison authorities. Wiseman, Acting P.J.

We concur: Levy, J.; Kane, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F052099 People v. Foster

The judgment is affirmed. Levy, J.

We concur: Wiseman, Acting P.J.; Kane, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F054257 People v. Galvan

No brief having been filed by appellant after notice duly given under rule 8.220(a)(1) of the California Rules of Court, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

F054459 People v. Rabb

No brief having been filed by appellant after notice duly given under rule 8.220(a)(1) of the California Rules of Court, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

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